

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

FRITZ ALPHONSO OWENS (2)

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Case No. 4:98cr86
(Judge Schell)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 31, 2011, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Tracey Batson.

On September 27, 1999, Defendant was sentenced by the Honorable Paul Brown to one hundred and eighty (180) months' custody followed by five (5) years of supervised release for the offense of Conspiracy to Possess with Intent to Distribute Cocaine Base and Carrying a Firearm During and in Relation to a Drug Trafficking Crime. On January 21, 2000, an Order was filed reducing the term of imprisonment to one hundred and thirty (130) months. On October 29, 2008, Defendant completed his period of imprisonment and began service of his supervised term.

On March 11, 2011, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated various mandatory and standard conditions. Violation allegations one, two, three, four and six were dismissed by the Government. The petition also alleged violation of the following additional mandatory condition: the defendant shall refrain from any unlawful use of a controlled substance.

The petition alleges that Defendant committed the following acts with regard to the

remaining violation: (1) On February 22, 2011, Defendant submitted a urine specimen that tested positive for marijuana and amphetamines. Defendant admitted to using marijuana and ecstasy on or about February 20, 2011; and (2) On November 7, 2009, Defendant submitted a urine specimen that tested positive for marijuana. Defendant admitted to said use.

Prior to the Government putting on its case, Defendant entered a plea of true to the remaining violation.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eight (8) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 1st day of April, 2011.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE